UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.180
13 June 2002

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Thirtieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Belarus

1. The Committee considered the second periodic report of Belarus (CRC/C/65/Add.15) at its 786th and 787th meetings (see CRC/C/SR.786 and 787), held on 27 May 2002, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's second periodic report, which follows the guidelines for reporting, and of the written replies, promptly submitted, to its list of issues (CRC/C/Q/BEL/2). The Committee, although regretting that only one member of the State party's delegation was directly involved in the implementation of the Convention in Belarus, notes the constructive dialogue and the positive reactions to the suggestions made during the dialogue.

B. Positive aspects

3. The Committee notes that the State party adopted a number of laws in order to further harmonize domestic legislation with the provisions of the Convention, including the new Civil Code and the new Marriage and Family Code adopted in 1999, and the revision in 2000 of the Rights of the Child Act.

---

* At the 804th meeting, held on 7 June 2002.

4. The adoption in 1998 of the International Treaties Act by which norms of international treaties, such as the Convention, become part of current law and can therefore be directly invoked in courts, is welcomed by the Committee.

5. The Committee notes that, in light of its previous recommendation (CRC/C/15/Add.17 of 7 February 1994, para. 11), the National Commission on the Rights of the Child was established in 1996.

6. The Committee recognizes that, in line with its previous recommendation (ibid., para. 11) a national plan for the protection of the rights of the child 1995-2000 was adopted by Presidential Decree No. 150 of 19 April 1995 and followed up by the presidential programme "Children of Belarus" for 2001-2005, approved by Presidential Decree No. 281 of 24 May 2001.

7. The Committee welcomes the adoption in March 1999 of a National Plan for Human Rights Education covering the period 1999-2004.

8. The Committee welcomes the State party's adoption of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. It further notes that Belarus has signed The Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993, as previously recommended (ibid., para. 13).

C. Factors and difficulties impeding progress in the implementation of the Convention

9. The Committee acknowledges that, owing to economic transition, the growing poverty affecting families, especially those with many children and those living in rural areas, is still impeding the full implementation of the Convention in the State party. Further, it notes the persistence of the negative consequences of the Chernobyl nuclear plant disaster affecting the population in general and the health and development of children, in particular.

D. Principal areas of concern and recommendation

1. General measures of implementation

Previous recommendations

10. The Committee regrets that some of the concerns and recommendations (CRC/C/15/Add.28 of 24 October 1994) it made upon consideration of the State party's initial report (CRC/C/8/Add.6) have been insufficiently addressed, particularly those contained in paragraphs 11, 12, 14, and 15. Those concerns and recommendations are reiterated in the present document.

11. **The Committee urges the State party to make every effort to address the recommendations contained in the concluding observations on the initial report that have not yet been implemented and to address the list of concerns contained in the present concluding observations on the second periodic report.**

Legislation

12. The Committee, while noting the various legislative measures taken with respect to child rights, reiterates its concern (CRC/C/15/Add.17, para. 6) as to the full compatibility of the national legislation with the provisions and principles of the Convention. It is also concerned that the legislation does not sufficiently reflect the comprehensive rights-based approach of the Convention.

13. **The Committee recommends that the State party:**

(a) Continue its comprehensive review of existing legislation from a rights-based perspective, in order to ensure its full conformity with the principles and provisions of the Convention;

(b) In this regard, consider seeking assistance from, among others, UNICEF.

Coordination

14. The Committee, while acknowledging the efforts made by the State party in improving coordination by establishing the National Commission on the Rights of the Child in 1996, notes with concern that the National Commission has basically a consultative status. It further notes that the implementation process of the presidential programme "Children of Belarus" for 2001-2005 is monitored and reviewed.

15. **The Committee reiterates its recommendation (ibid., para. 11) that the State party ensure the establishment of a permanent body to coordinate the implementation and monitoring of the rights of the child at national and local levels, including by effectively coordinating activities between central and local authorities and cooperating with NGOs and other sectors of civil society.**

Independent monitoring

16. The Committee, while taking note of the ongoing discussions on the establishment of an independent monitoring body, expresses its concern at the absence of an overall national mechanism with a mandate regularly to monitor and evaluate progress in the implementation of the Convention and which is empowered to receive and address complaints by children.

17. **The Committee encourages the State party to establish an independent and effective mechanism in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (General Assembly resolution 48/134), either as a part of a national institution on human rights or as a separate body, such as a children's ombudsman, which should be provided with adequate human and financial resources and easily accessible to children, that:**

(a) Monitors the implementation of the Convention;

(b) Deals with complaints from children in a child-sensitive and expeditious manner; and

(c) Provides remedies for violations of their rights under the Convention.

In this regard, the Committee further recommends that the State party consider seeking technical assistance from, among others, UNICEF and OHCHR.

Resources for children

18. While noting the efforts by the State party to prevent the decline in living standards of the population, the Committee expresses its concern that budgetary allocations for children are still insufficient to respond to national and local priorities for the promotion and protection of children's rights and to overcome and remedy existing disparities between rural and urban areas with respect to services provided to children.

19. **In light of article 4 of the Convention, the Committee encourages the State party:**

(a) To continue its efforts to prevent, including through a comprehensive poverty reduction strategy, the decline in living standards of families, in particular those with many children, those living in rural areas and single parent families;

(b) To identify clearly its priorities with respect to child rights issues in order to ensure that funds are allocated to the maximum extent of available resources and, where needed, within the framework of international cooperation for the full implementation of the economic, social and cultural rights of children, in particular for children belonging to the most vulnerable groups in society; and

(c) To identify the amount and proportion of the budget spent on children at the national and local levels in order to evaluate the impact and effect of the expenditures on children.

Data collection

20. The Committee expresses its concern that data are not disaggregated for all areas covered by the Convention. It further notes that data on children are not used in an adequate manner to assess progress and as a basis for policy-making in the field of children's rights.

21. **The Committee recommends that the State party:**

(a) Strengthen its mechanism to collect and analyse systematically disaggregated data on all persons under 18 for all areas covered by the Convention, with special emphasis on the most vulnerable groups, including children of economically disadvantaged households, children living in rural areas, children in institutions, children with disabilities, and children affected by the consequences of the Chernobyl disaster;

(b) Use these indicators and data effectively for the formulation and evaluation of policies and programmes for the implementation and monitoring of the Convention;

(c) Seek technical assistance from UNICEF in this regard.

Cooperation with civil society

22. Despite the recent establishment of several non-governmental organizations, the Committee expresses its concern that insufficient efforts have been made to involve civil society in the full implementation of the Convention, particularly in the area of civil rights and freedoms. It further notes with deep concern that non-governmental organizations are subjected to difficult procedures for registration and that foreign funding in particular is restricted, which may limit their effectiveness and independence.

23. **The Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention, including with respect to civil rights and freedoms. The Committee reiterates its recommendation (ibid., para. 12) that the State party:**

(a) Consider involving non-governmental organizations, especially rights-based ones, and other sectors of civil society working with and for children more systematically throughout all stages of the implementation of the Convention, in particular with respect to civil rights and freedoms;

(b) In line with the Human Rights Committee's recommendation (CCPR/C/79/Add.86, para. 19), review without delay laws, regulations and administrative practices in order to facilitate the registration and activities of non-governmental organizations.

Training/dissemination of the Convention

24. The Committee, while acknowledging that there have been efforts to disseminate the Convention and to train professionals working with and for children in line with its previous recommendation (ibid., para. 17), nevertheless finds that these measures need to be strengthened.

25. **The Committee recommends that the State party:**

(a) Develop more creative methods to promote the Convention, including through audiovisual aids such as picture books and posters, in particular at the local level and through the media;

(b) Continue and strengthen its efforts to provide adequate and systematic training and/or sensitization on children's rights of professional groups working with and for children, such as judges, lawyers, law enforcement and health personnel, teachers and school administrators;

(c) In particular provide adequate training to the judiciary on the impact of the International Treaties Act of 1998 and the possibility of directly invoking the Convention in courts; and

(d) Seek technical assistance from, among others, UNICEF, UNESCO and OHCHR with a view to involving non-governmental organizations and other sectors of civil society.

2. General principles

General principles

26. The Committee is concerned that the principles of non-discrimination, best interests of the child (art. 3), right to life, survival and development of the child (art. 6) and respect for the views of the child (art. 12) are not fully reflected in the State party's legislation and administrative and judicial decisions, as well as in policies and programmes relevant to children at both national and local levels.

27. **The Committee reiterates its previous recommendation (ibid., para. 11) that the State party:**

(a) Appropriately integrate general principles of the Convention, namely articles 2, 3, 6 and 12, in all relevant legislation concerning children;

(b) Apply them in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on all children; and

(c) Apply these principles in planning and policy-making at every level, as well as in actions taken by social and health welfare and educational institutions, courts of law and administrative authorities.

Non-discrimination

28. The Committee is concerned that the principle of non-discrimination is not fully implemented for children of economically disadvantaged households, children living in rural areas, children in institutions, children with disabilities, Roma children and children affected by Chernobyl, especially with regard to their access to adequate health care and educational facilities.

29. **The Committee recommends that the State party:**

(a) Monitor the situation of children, in particular those belonging to the above-mentioned vulnerable groups, who are exposed to discrimination; and

(b) Develop, on the basis of the results of this monitoring, comprehensive strategies containing specific and well-targeted actions aimed at eliminating all forms of discrimination.

30. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of general comment No. 1 on article 29 (1) of the Convention (aims of education).**

Respect for the views of the child

31. Noting the provisions which allow the child to be heard, the Committee is concerned that judges or other decision-making bodies have too much discretionary power in that regard.

32. **In light of article 12, the Committee recommends that the State party:**

(a) Make sure that all children mature enough to express their views are heard in all judicial and administrative procedures affecting them; and

(b) Undertake campaigns to make parents, professionals working with and for children and the public at large aware that children have the right to be heard and to have their views taken seriously.

3. Civil rights and freedoms

33. The Committee notes with concern that the implementation of articles 13, 15 and 17 is limited.

34. **The Committee recommends that the State party guarantee to all children the full implementation of the rights to freedom of expression, freedom of association and peaceful assembly and access to appropriate information, recognized in articles 13, 15 and 17 of the Convention.**

4. Family environment and alternative care

Parental responsibilities

35. The Committee notes with deep concern the spreading phenomenon of family disintegration in Belarus, including the high rate of divorce, the growing number of single-parent families and cases of parental neglect. While noting that the State party is taking some measures to strengthen families such as the Law on Allowances to Families with Children of 1 April 2002, it expresses its concern that there is no coordination between public agencies dealing with family-oriented policies, including the implementation of a poverty reduction strategy, very little preventive action, and that professional social workers are not trained enough to deal with dysfunctional families.

36. **In light of article 18 of the Convention, the Committee recommends that the State party:**

(a) Continue to develop measures for the prevention of family disintegration and the strengthening of family development;

(b) Improve social assistance and support to families to help them with their child-rearing responsibilities, including through parental education, counselling and community-based programmes;

(c) Provide adequate training to social workers;

(d) Seek international assistance from, among others, UNICEF.

Children deprived of a family environment

37. Noting the official priority policy on deinstitutionalization included in the Marriage and Family Code, the Committee expresses its serious concern about the high number of children, including children with disabilities, who are deprived of a family environment and placed in institutions, because foster care or other forms of family-based alternative care are not sufficiently developed and available. In addition, it notes with concern that institutions, owing to a lack of resources, provide children with very low quality housing and care and that children lack effective mechanisms to communicate concerns and complaints about their placement.

38. **In light of article 20 of the Convention, the Committee recommends that the State party:**

(a) Take effective measures, including the development of strategies and awareness-raising activities, to prevent and reduce the abandonment of children;

(b) Take effective measures to increase and strengthen foster care, family-type foster homes and other family-based alternative care;

(c) Place children in institutions only as a measure of last resort;

(d) Take all necessary measures to improve conditions in institutions;

(e) Provide support and training for personnel in institutions, including social workers;

(f) Establish effective mechanisms to receive and address complaints from children in care, to monitor standards of care and, in light of article 25 of the Convention, to establish periodic review of placements;

(g) Provide adequate follow-up and reintegration support and services for children who leave institutional care.

Abuse and neglect

39. The Committee expresses its concern about the insufficient information and awareness of the ill-treatment and abuse of children in the home, in schools and in other institutions.

40. **In light of article 19 of the Convention and in line with its previous recommendation (ibid., para. 40), the Committee recommends that the State party:**

(a) Undertake studies on domestic violence, violence against children, ill-treatment and abuse, including sexual abuse, and implement the statistical system created to keep a record of incidents of physical and mental violence and neglect against children, in order to assess the extent, scope and nature of these practices;

(b) Adopt and implement effectively adequate measures and policies to prevent and combat ill-treatment and abuse of children, including public campaigns, and to contribute to changing attitudes;

(c) Investigate effectively cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, within a child-sensitive inquiry and judicial procedure in order to ensure better protection of child victims, including the protection of their right to privacy;

(d) Prohibit all forms of corporal punishment at home, in schools and other institutions and develop measures to raise awareness on the harmful effects of corporal punishment, and promote alternative forms of discipline in families to be administered in a manner consistent with the child's dignity and in conformity with the Convention;

(e) Take measures to provide support services to children in legal proceedings and for the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment and violence, in accordance with article 39 of the Convention;

(f) Take into account the Committee's recommendations, adopted at its days of general discussion on "Violence against children within the family and in schools" (see CRC/C/111) and on "State violence against children" (see CRC/C/100); and

(g) Seek, in this regard, international cooperation and technical assistance from, among others, UNICEF and WHO.

5. Basic health and welfare

Health and health services

41. The Committee, while noting efforts to reorganize maternity and childcare services and various programmes to improve children's health, is concerned about the increase in child morbidity, including the increase of HIV in newborns, the almost epidemic scope of tuberculosis, and the high incidence of iodine deficiency and nutrition problems, especially

among children from low-income households and families with three and more children. It further notes the high rates of transport and motor vehicle accidents and the high rates of suicide which also affect children.

42. **The Committee recommends that the State party:**

(a) Continue to implement the WHO Strategy on Promoting Effective Perinatal Care in order to further decrease maternal, perinatal and infant mortality;

(b) Ensure that all children, in particular children from the most vulnerable groups, have access to free basic health care of good quality;

(c) Develop a national policy in order to ensure an integrated and multidimensional approach to early childhood development, with a focus on health and nutrition;

(d) Address the increase in HIV in newborns, focusing on the prevention of mother-to-child transmission;

(e) In order to prevent childhood injuries, develop adequate legislation to protect children from accidents and injuries, include the prevention of injuries in national policy priorities and objectives, and develop injury-control programmes;

(f) Undertake a comprehensive and multidisciplinary study to assess the extent of and reasons for suicide among children and develop adequate policies and programmes to prevent and combat this phenomenon; and

(g) Continue technical assistance from, among others, WHO and UNICEF.

Adolescent health

43. The Committee notes with concern the rise in the number of children and adolescents addicted to drugs, alcohol and tobacco, the high number of teenage abortions and the growing number of cases of HIV/AIDS among the youth.

44. **The Committee recommends that the State party:**

(a) Implement in an effective way the comprehensive nationwide programme "Medical and recuperative activities targeted at adolescents" for the period 1999-2003 and the National Strategic Plan for HIV Prevention for 2001-2003, and increase its efforts to promote adolescent health, including mental health, policies. Particular attention should be given to reproductive health and substance abuse, and the programme of health education in schools should be further strengthened;

(b) Undertake a comprehensive and multidisciplinary study to assess the scope and nature of adolescent health problems, including the negative impact of sexually transmitted diseases and HIV/AIDS, and continue to develop adequate policies and programmes;

(c) Undertake further measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular as regards reproductive health, and to develop youth-sensitive and confidential counselling, care and rehabilitation facilities that are accessible without parental consent when this is in the best interests of the child; and

(d) Seek technical cooperation from, among others, UNFPA, UNICEF, WHO and UNAIDS.

Environmental health

45. The Committee notes with concern the persisting negative consequences of the Chernobyl disaster, including the increase of cases among children of various diseases, including cancer, immunological deficiencies and anaemia. It further notes that assistance to people affected by the Chernobyl disaster is strictly humanitarian rather than focused on long-term policies.

46. **The Committee recommends that the State party:**

(a) Continue to improve the specialized health care provided to children affected by the Chernobyl disaster, including its psycho-social aspect;

(b) Strengthen its efforts at early detection and prevention of diseases related to nuclear contamination;

(c) Focus more on a long-term developmental approach to assistance to people.

Children with disabilities

47. The Committee, while noting efforts to integrate children with disabilities, expresses its concern at their increasing number and at the practice of institutionalizing them. It further notes with concern that there is insufficient support to families with disabled children.

48. **In light of article 23 of the Convention, the Committee recommends that the State party:**

(a) Undertake studies to determine the causes of and ways to prevent disabilities in children;

(b) Undertake measures to ensure that the situation of children with disabilities is monitored in order to assess their situation and address their needs effectively;

(c) Conduct public awareness campaigns to raise awareness of the situation and the rights of children with disabilities;

(d) Allocate the necessary resources for programmes and facilities for all children with disabilities, especially the ones living in rural areas, and strengthen community-based programmes to enable them to stay at home with their families;

(e) Support the parents of children with disabilities with counselling and, when necessary, financial support;

(f) In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (CRC/C/69, paras. 310-339), further encourage their integration into the regular educational system and inclusion into society, including by providing special training to teachers and by making schools more accessible.

6. Education, leisure and cultural activities

Education

49. The Committee, while acknowledging the State party's efforts to include human rights in school curricula, notes with concern that the availability of education in the Belarusian language is becoming increasingly limited, from early childhood to secondary education. Further, it notes that the number of children in secondary education is decreasing and that education standards, particularly in the secondary system, vary greatly to the disadvantage of lower-income neighbourhoods and rural areas.

50. **In light of articles 28 and 29 of the Convention, the State party should:**

(a) Ensure the availability of education in the Belarusian language and the accessibility for Roma children and those belonging to other minorities to good quality education;

(b) Improve the quality of education in the whole country in order to achieve the goals mentioned in article 29, paragraph 1, in line with the Committee's general comment No. 1 on the aims of education.

7. Special protection measures

Trafficking, sexual and other forms of exploitation

51. The Committee is concerned about the information that Belarus is a country of origin and transit for the trafficking of children, in particular girls, for the purpose of sexual and other forms of exploitation. The Committee notes that there is a lack of information and knowledge about this phenomenon and about problems such as sexual exploitation, drug abuse and the involvement of children in the drug trade, and economic exploitation, often related to trafficking.

52. **In light of articles 32 to 36 of the Convention, the Committee recommends that the State party:**

(a) Undertake a study on the issue of trafficking and trafficking-related problems, such as sexual exploitation, drug abuse and the involvement of children in the drug trade, and economic exploitation, in order to assess their scope and causes, and develop and implement effective monitoring and other measures to prevent them;

(b) Combat and eliminate child trafficking, sexual exploitation, drug abuse and trade and economic exploitation, including by developing social integration programmes; and

(c) Develop and adopt a national plan of action against sexual and commercial exploitation of children, taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.

Administration of juvenile justice

53. The Committee reiterates its serious concern (ibid., para. 10) regarding the situation in relation to the administration of juvenile justice. While noting that under the new Penal and Penal Procedure Codes juvenile cases can be considered by specially trained judges and that there is a debate about whether to set up a separate branch for juvenile justice, it expresses its concern that a comprehensive system has not yet been established, that prosecutors and lawyers are not trained to handle juvenile cases, that detention is not used as a last resort and that alternative measures to detention are seldom applied. Further, it is noted that conditions in juvenile detention centres are very poor and offer little possibility of rehabilitation.

54. **The Committee recommends that the State party:**

(a) Expedite the establishment of a specific system of juvenile justice, and ensure its full independence and adequate human and financial resources;

(b) Continue to review laws and practices regarding the juvenile justice system in order to bring it as soon as possible into full compliance with the Convention, in particular articles 37, 40 and 39, as well as with other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines);

(c) Ensure that all persons under 18 benefit from special protection measures in the field of the administration of juvenile justice;

(d) Use detention, including pre-trial detention, only as a measure of last resort, for as short a time as possible and for no longer than the period prescribed by law, and ensure that children are always separated from adults;

(e) Use alternative measures to pre-trial detention and other forms of deprivation of liberty whenever possible;

(f) Strengthen preventive measures, such as supporting the role of families and communities in order to help eliminate the social conditions leading to such problems as delinquency, crime and drug addiction;

(g) Incorporate into its legislation and practices the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, in particular to guarantee them access to effective complaints procedures covering all aspects of their treatment;

(h) In light of article 39, take appropriate measures to promote the recovery and social reintegration of the children involved in the juvenile justice system;

(i) Seek assistance from, among others, OHCHR, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

8. Dissemination of reports

55. **Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the second periodic report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the parliament and the general public, including concerned non-governmental organizations.**

9. Periodicity for submission of reports

56. **The Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention includes ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by State parties is crucial. The Committee recognizes that some States parties experience difficulties in submitting timely and regular reports. As an exceptional measure, in order to help the State party catch up with its reporting obligations in full compliance with the Convention, the Committee invites the State party to submit its combined third and fourth periodic reports by 30 October 2007, due date for the submission of the fourth periodic report.**